

1 **REMARKS**

2 Reconsideration of the application in view of the above amendments and the following
3 remarks is respectfully requested.

4 Claim 32 was missing in the original application. The claims have been renumbered
5 with originally submitted claim n above 32 now numbered n-1.

6 Claims 1-38 are pending in this application. Claims 1-34 have been canceled. Claims
7 35 and 37 have been amended. Claims 39-42 have been added.

8 Claim 35 has been amended to recite to include all limitations of its original parent
9 claim, and to broaden the original claim to change the words "infrared absorption spectrum" to
10 the words "vibrational spectrum" of a parent claim. Claim 37 has been amended in the same
11 way to bring amended claim 37 the required antecedent. New claims 39 -42 are dependent on
12 amended claim 35, and reintroduce the limitation "infrared absorption spectrum" of old claim
13 35, and are the same as the dependent claims originally dependent on old claim 35 and its parent
14 claims. New claims 43-46 introduce Raman vibrational spectroscopy as a modality for
15 measuring vibrational spectroscopy, and are the same as claims 35-42 with the words "infrared
16 absorption" replaced by the word "Raman". This addition is supported at page 14 line 20. New
17 claims 47-61 are original claims 17-33 written as apparatus claims, with the limitation of claim
18 29 added to the parent claim. New claims 62 to 67 are claims directed to Raman detection of
19 cells in the cell division state. New claims 62 to 67 are supported at page 14 line 20.
20 Additional details claimed for observing Raman spectra are very well known to those of skill in
21 the art.

22 The office action states that Claims 1-4 and 34-35 are rejected under Section 35 U.S.C.
23 102(e) as being anticipated by. Cohenford mentions or suggests neither

24 "characterizing each cell according to an aspect of the vibrational spectrum each cell
25 wherein the vibrational spectrum of each cell is analyzed for indications that the cell is in
26 a cell division stage"

27 nor

28 "statistically analyzing the characteristics of the groups cells "

1 Claims 35-67, as amended and new, are thus not anticipated by Cohenford and are allowable
2 under Section 35 U.S.C. 102(e).

3 The office action states that Claims 1-8 and 34-38 are rejected under Section 35 U.S.C.
4 103(c) as being unpatentable over Wang et al. In view of Kosaka and/or Ito et al. The cited art
5 does not mention or suggest

6 "characterizing each cell according to an aspect of the vibrational spectrum each cell
7 wherein the vibrational spectrum of each cell is analyzed for indications that the cell is in
8 a cell division stage"

9 and hence the new claims and claims (as amended) are patentable under Section 35 U.S.C.
10 103(c).

11 An extension of time from Sept. 30, 2003 to Oct. 30, 2003 for filing a reply in the above
12 identified application is respectfully requested under 37 CFR 1.17. An additional fee of \$55 is
13 required The required fees and any insufficiency or overage (except issue fees) may be debited or
14 credited to deposit account 08/2240. A signed deposit account authorization is on file for this
15 case.

16 On the basis of the above amendments and remarks, reconsideration of this application
17 and its early allowance is respectfully requested.

18 **CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8(a) and (b), 37CFR 1.86(f)**

19 I hereby certify that the following attached correspondence comprising: Response and Amendment is being sent by
20 facsimile transmission to the Commissioner of Patents on October 24, 2003 at FAX NUMBER 703-872-9310

21 Respectfully,



22 Rodney T. Hodgson Agent # 37,849

23 822 Pinesbridge Road,

24 Ossining, NY 10562.

25 914-762-5248 (Fax 914-762-4126)

E-MAIL - patents@aip.org



24295

PATENT TRADEMARK OFFICE